

ducing certain curative and therapeutic effects claimed on the bottle and carton labels.

On August 7, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 small and 23 large packages of Vita Oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1932, by the Lawson Transfer & Storage Co., from Rockford, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mineral oil such as kerosene, a fatty oil, turpentine oil (5.8 percent), and a trace of mustard oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Vita Oil is Especially Recommended in the Treatment of the Following: Sore Throat, Bronchitis, Coughs * * * Sore feet Stiff Neck * * * Vita Oil is Recommended for Neuritis, Sciatica, Lumbago * * * Rheumatism, Arthritis, Pain, Stiffness, Soreness in the joints * * * will assist in banishing inflammation, soreness and pain * * * healing * * * tending to relieve congestion", (bottle) "Relieve congestion, pain and inflammation, whether due to * * * contracted cords and muscles, or swollen, stiff and lame joints * * * for best results."

On September 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21575. Misbranding of Baume Analgesique. U. S. v. 79 Tubes of Baume Analgesique. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30807. Sample no. 42951-A.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 tubes of Baume Analgesique, in part at Wilkes-Barre, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about May 19, 1933, by the American Pharmaceutical Co., Inc., from New York, N. Y., to Wilkes-Barre, Pa., that a portion had been reshipped to Scranton, Pa., and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of menthol (23.4 percent) and methyl salicylate (0.5 percent), incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Tube) "To relieve pain in treating sciatica, rheumatism, neuritis", (circular) "Relieves aches and pains * * * aching feet * * * asthma and hay fever * * * bronchitis, relief in the dry state of bronchitis * * * bunions * * * cough * * * croup * * * earache * * * below the superficial epidermis to the congestion which is the cause of pain * * * by penetrating to the seat of congestion builds up the circulation and relieves the pain as the blood flows freely again carrying away the poisonous substances and removing the pressure. Congestion is the cause of almost every ache and pain directly or indirectly * * * backaches * * * cause congestion, immediately relieving that congestion as nature does herself but much more slowly is the main purpose of Baume Analgesique. Frost Bite * * * Neuritis, Sciatica * * * the aching area. * * * Rheumatism, Gout * * * where the pain is severe. Sore Throat * * * Stiff Neck * * * Tonsillitis * * * Toothache."

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*